UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WILMER GARCIA RAMIREZ, et al., Plaintiffs, v. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE), et al., Defendants.	)	Case No. 1:18-cv-00508-RC Class Action

MOTION TO EXPEDITE BRIEFING SCHEDULE AND CONSIDERATION OF SECOND MOTION TO ENFORCE

Plaintiffs respectfully move this Court under 28 U.S.C. § 1657(a) for 1) an order setting an expedited briefing schedule for Plaintiffs' Second Motion to Enforce the Court's June 2, 2026 Order requiring that any opposition be filed by October 26, 2026 and any reply filed by October 29; and 2) expedited consideration of that motion, once fully briefed. The motion to enforce seeks the release of two young class members who have been unlawfully detained by Defendants for over two months. ECF 482. Good cause exists for this request based on the class members' youth and vulnerabilities in detention, the current abysmal and deadly conditions in ICE custody, Defendants' delays in providing necessary information about the two class members to Plaintiffs' counsel, and the public interest in ensuring that federal agencies do not weaponize their own delays to avoid compliance with federal statutes and court orders.[1]

[1] In correspondence on October 19, 2026, Defendants' counsel stated that Defendants do not consent to expediting for the reasons identified by Plaintiffs.

LEGAL STANDARD

Under 28 U.S.C. § 1657(a), "each court of the United States shall determine the order in which civil actions are heard and determined, except that the court shall expedite the consideration of any action . . . if good cause therefor is shown." In enacting this provision, Congress "encourage[d] the courts to give special consideration to actions asserting federal rights." *Freedom Commc'ns Inc. v. FDIC*, 157 F.R.D. 485, 486 (C.D. Cal. 1994). "Litigants who can persuasively assert that there is a special public or private interest in expeditious treatment of their case [are] able to use the general expedition provision." *Id*. at 487 (quoting H. Rep. No. 985, 98th Cong., 2d Sess. at 4 (1984), *reprinted in* 1984 U.S.C.C.A.N. 5708, 5784).[2]

ARGUMENT

In their motion to enforce filed today, Plaintiffs seek the release of two class members, O.O.P. and B.I. *See* ECF 482. As an initial matter, their characteristics provide good cause for expedition: O.O.P. is 18 years old. ECF 482-1 ¶ 1. He does not have immigration counsel. ECF 482-5 ¶ 9. B.I. recently turned 21 in ICE custody and speaks Uzbek, Russian, and Tajik, but very little English, rendering communication difficult. ECF 482-3 ¶¶ 1, 11-12. B.I. details how his conditions of detention are impacting his mental health, physical well-being, and decisions about whether to pursue his removal case. *Id.* ¶¶ 16, 19-20 (detailing overcrowding, poor quality of food, lack of medical care, and his fear and stress about remaining in detention). In light of the current conditions in ICE detention and lack of oversight, O.O.P. and B.I.'s young ages and vulnerabilities constitute good cause for expediting the briefing and consideration of whether

[2] When expedition is not statutorily required, litigants seeking expedited review at the D.C. Circuit must demonstrate irreparable injury resulting from delay and a substantial merits argument. *See* D.C. Cir. *Handbook of Practice and Internal Procedures* VIII.B, 34 (2026).

ICE's decision to continue their detention violates 8 U.S.C. § 1232(c)(2)(B) and this Court's prior orders.

This Court has already found, after a prolonged bench trial, that "by detaining age-outs without undertaking the decision-making process the statute requires, a young adult's health and well-being is [] directly implicated." *Ramirez v. ICE*, 2026 WL 2719808, at *10 (D.D.C. Sept. 15, 2026). That is because "needless 'detention, particularly in adult settings' of youth ages 15 to 24—such as the class members here—causes 'physical and psychological harm.'" *Id.* (quoting *Ramirez v. ICE*, 568 F. Supp. 3d 10, 29 (D.D.C. 2021)); *see also Ramirez v. ICE*, 310 F. Supp. 3d 7, 31 (D.D.C. 2018) (finding deprivation of liberty to constitute irreparable harm). Notably, the expert testimony that this Court relied on in 2020 pre-dated the marked overall deterioration of conditions in immigration detention that began in January 2025 with the explosion of detention numbers and this administration's elimination of almost all detention oversight. *See, e.g.,* Michael Biesecker*, Report: Detainees at ICE facility in Texas report frequent beatings and other human rights abuses*, Associated Press (July 15, 2026), www.pbs.org/newshour/nation/report-detainees-at-ice-facility-in-texas-report-frequent-beatings-and-other-human-rights-abuses; Rebecca Beitsch, *DHS closes office of immigration detention watchdog*, The Hill (May 5, 2026), https://tinyurl.com/mt6fzc9r.

Second, people in ICE custody today face worsening conditions, thereby increasing the harm class members experience when they are improperly detained by Defendants. Last month, two people died in ICE custody in Louisiana, where ICE is currently detaining O.O.P. *See* ECF 483, Ex. G. Those tragedies were not aberrations for this administration. In fiscal year 2026, 37 people ranging in age from 19 to 85 died while ICE civilly detained them, making it the deadliest year on record. Ximena Bustillo, *Immigrant Deaths in ICE Custody Nearly Double as Oversight*

Wanes, Bloomberg Law (Sept. 30, 2026), https://news.bloomberglaw.com/us-law-week/immigrant-deaths-in-ice-custody-nearly-double-as-oversight-wanes. Noncitizens "are dying by suicide at an increased rate under the Trump administration" and "lots of treatable infections [are] killing people" in ICE custody. Conor Greene, *As ICE Detention Expands, Deaths Reach as 22-Year High*, TIME (Aug. 10, 2026), https://time.com/article/2026/08/10/ice-detention-deaths-immigration/. As a former Department of Homeland Security official noted, "standards [are] getting lower and lower because the goal is . . . to increase the number of people in detention." Bustillo, *Immigrant Deaths.* Given the already established risks to class members' mental and physical health, this deterioration provides further good cause for expediting Plaintiffs' motion.

Third, Defendants' actions have caused the majority of the delay in O.O.P. and B.I. seeking this Court's review of ICE's determinations to continue their detention. ICE re-arrested O.O.P. on August 10, 2026, but did not provide any information or records about his case to Plaintiffs' counsel until September 21; ICE re-arrested B.I. on August 14, 2026, but similarly did not raise him until September 21. *See* ECF 483, Ex. G; ECF 482-5 ¶¶ 5, 14. Defendants then delayed over eight and nine days in B.I. and O.O.P.'s cases, respectively, in providing a response to Plaintiffs' counsel's requests for release. ECF 482-5 ¶¶ 12, 14, 16. These delays provide further good cause for expediting Plaintiffs' motion because they are prejudicial: not only because of the harmful conditions ICE is subjecting O.O.P. and B.I. to, but because ICE now takes the position that these class members may no longer benefit from this Court's orders. *Id.* ¶¶ 16, 18. This is because in the intervening weeks in ICE custody, B.I. was granted voluntary departure and Defendants allege that O.O.P. has requested voluntary departure. *Id*. Defendants' "undue delay" here is thus "highly prejudicial" to O.O.P. and B.I. *Cf. Castillo v. Pratt*, 162 F.

Supp. 2d 575, 576 (N.D. Tex. 2001) (finding no good cause under § 1657 to expedite where petitioner failed to show undue delay or prejudice from delay).

However, it is well-documented that the "cruel, inhumane, unacceptable" conditions in Defendants' custody are causing many thousands of people, even those with viable paths to relief, feeling compelled to accept voluntary departure. Jamiles Lartey, *Bad Food. Poor Care. No Toilets. ICE Detention Misery Pushes Immigrants to 'Voluntarily' Depart,* The Marshall Project (May 30, 2026), https://www.themarshallproject.org/2026/05/30/ice-trump-new-jersey-detention; Liz Veazey, *New Yorkers Arrested by ICE Are Choosing Departure Over Indefinite Detention*, New York Focus (Apr. 21, 2026), https://nysfocus.com/2026/04/21/ice-voluntary-departure-detention-increase. Courts have also documented instances of ICE officers directly pressuring noncitizens to abandon potential relief from removal and self-deport. *See, e.g., Martinez-Andino v. U.S. Dep't of Homeland Sec.*, 2026 WL 2140430, at *1, 10-11 (D.D. C. July 25, 2026); *Duarte Cantarero v. Warden*, 2026 WL 396851, at *1 (M.D. Fla. Feb. 12, 2026). In this case, B.I. also details his coerced acceptance of voluntary departure, even while he had an affirmative asylum application pending. ECF 482-3 ¶¶ 16, 19-20. The speed with which ICE pressures class members into accepting voluntary departure and removes them renders expedited resolution of Plaintiffs' motion vital. *See also* ECF 462 at 9 (detailing the high number of potential class members already removed before being able to benefit from this Court's orders). Running out the clock while making remaining in detention as miserable as possible appears to be Defendants' deliberate and effective strategy. *See Mercado v. Noem*, 800 F. Supp. 3d 526, 575 (S.D.N.Y. 2025) ("[s]tatements from senior officials suggest that harsh conditions of confinement are a deliberate feature of the enforcement program intended to induce self-deportation . . . .").

Lastly, "there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations." *Ramirez*, 2026 WL 2719808 at *10 (quoting *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016)). Here, without expedited briefing and adjudication, ICE could very well succeed in removing both O.O.P. and B.I. before this Court ever has the chance to rule on the legality of Defendants' determinations under § 1232(c)(2)(B) and the permanent injunction. Ensuring that federal agencies do not weaponize their own delays to avoid compliance with congressional enactments and court orders further establishes good cause here. *See Mackey ex rel. Thomas M. v. Board of Educ. for Arlington Central Sch. Dist.*, 386 F.3d 158, 165-66 (2d Cir. 2004) (concluding that equitable considerations weighed against allowing defendants to escape liability through delay as allowing them to do so would create a "strong incentive" to delay as a way to avoid responsibility); *Schoenman v. FBI*, 604 F. Supp. 2d 174, 191 (D.D.C. 2009) ("The Court is not persuaded that the FBI should benefit from its own delay.").

CONCLUSION

For all the foregoing reasons, and as set forth in the attached proposed order, Plaintiffs ask the Court to grant the instant motion, order an expedited briefing schedule for Plaintiffs' Second Motion to Enforce, and consider that motion on an expedited basis.

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Respectfully submitted,

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